

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LOUIS C. BOURGEOIS, JR.
MAY S. BOURGEOIS

Claim No. CU - 8470

Decision No. CU - 4680

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by LOUIS C. BOURGEOIS, JR. and MAY S. BOURGEOIS for \$17,119.77 based upon the asserted ownership and loss of certain bank accounts in Cuba. Claimant, LOUIS C. BOURGEOIS, JR., has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The Commission's Regulations provide that claims under Title V of the Act (Cuban claims) shall be filed with the Commission on or before May 1, 1967, (FCSC Reg., 45 C.F.R. Sec. 531.1(d) (Supp. 1967)); and further that any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period. (Reg., Sec. 531.1(g))

No claim was filed with this Commission by or on behalf of claimants within the allowable period for timely filing of such claims, nor does the Commission have any record of any communication concerning his asserted loss.

The Commission has held, however, that it will accept for consideration on their merits claims filed after the deadline so long as the consideration thereof does not impede the determination of those claims which were timely filed. (See Claim of John Korenda, Claim No. CU-8255.) This is such a claim.

Claim has been asserted for the loss of the following bank accounts:

First National City Bank of New York, Havana Branch	\$ 5,000.00
The Chase Manhattan Bank, Havana Branch	5,000.00
The Royal Bank of Canada, Oriente, Cuba	<u>7,119.77</u>
	\$17,119.77

Based upon the entire record, including copies of bank statements from these three banks, the Commission finds that claimants LOUIS C. BOURGEOIS, JR. and MAY S. BOURGEOIS owned the bank deposits in question. MAY S. BOURGEOIS, having been a national of the United States since birth, has been added as claimant in this matter.

Claimant, LOUIS C. BOURGEOIS, JR. states that he left Cuba on May 1, 1960.

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Law 989, published in the Official Gazette on December 6, 1961, in its terms effectively confiscated all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba. From the foregoing, the Commission finds that claimants' above described bank accounts, totalling 17,119.77 pesos, were taken by the Government of Cuba on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

Further, the Commission finds that on December 6, 1961, claimants' 17,119.77 pesos had a value of \$17,119.77 and that they suffered a loss in that amount within the meaning of Title V of the Act, as the result of the taking of the bank accounts by the Government of Cuba as of December 6, 1961.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

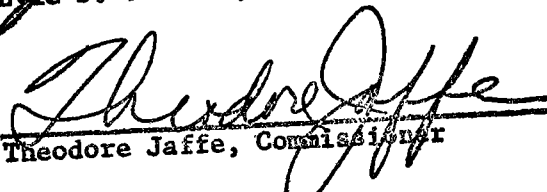
CERTIFICATION OF LOSS

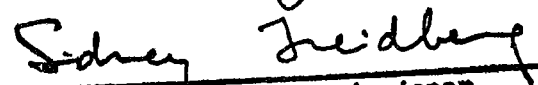
The Commission certifies that LOUIS C. BOURGEOIS, JR. and MAY S. BOURGEOIS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventeen Thousand One Hundred Nineteen Dollars and Seventy-Seven Cents (\$17,119.77) with interest at 6% per annum from December 6, 1961, date of taking, to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

1 APR 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)